

**United States Bankruptcy Court  
Eastern District of Pennsylvania**

In re:

Thomas J. Prim,

Debtor.

Case No. 23-10256-amc

Chapter 7

Response to ECF No. 40

**Debtor's Response to Request of Robert W. Seitzer, Chapter 7 Trustee,  
to Adjourn Hearing on Debtor's Motion to Convert Case  
from Chapter 7 to Chapter 13**

**AND NOW**, Debtor Thomas J. Prim, by and through their attorney, hereby responds to the Request of Robert W. Seitzer, Chapter 7 Trustee, to Adjourn Hearing on Debtor's Motion to Convert Case from Chapter 7 to Chapter 13.

Mr. Prim opposes Mr. Seitzer's request on the basis that all of the stated reasons are irrelevant.

First, there was no concerted effort by Mr. Prim or his Counsel to delay Mr. Seitzer's objection. Mr. Prim's failure to appear at the continued meeting of creditors was the result of a misunderstanding by his counsel. Counsel believed that the meeting was continued only for the purpose of producing documents and not for hearing additional testimony. Indeed, Mr. Seitzer himself states that the meeting was continued "so the Debtor could produce documents." ECF No. 40, Paragraph 32. Thereafter, Mr. Prim voluntarily appeared for a 2004 examination. When scheduling the examination, Mr. Seitzer did not suggest any particular dates for the examination and did not state that he needed the examination to take place by a certain date so he could object to the exemptions in time for a combined hearing.

Second, it is not necessary for the Court to decide whether the exemption objection should be sustained before deciding whether to convert the case. Mr. Prim's response to Mr. Seitzer's objection to conversion demonstrates that Mr. Prim can propose a feasible plan if the exemption objection is sustained.

**NOW, THEREFORE**, Mr. Prim asks this Court to deny the request in the form of order attached.

Date: June 13, 2023

CIBIK LAW, P.C.  
*Counsel for Debtor*

By: /s/ Michael I. Assad  
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**Certificate of Service**

I certify that on this date I caused this document to be served on the chapter 7 trustee, the U.S. Trustee, and all parties on the clerk's service list through the CM/ECF system..

Date: June 13, 2023

/s/ Michael I. Assad  
Michael I. Assad

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

In re:

Thomas J. Prim,

Debtor.

Case No. 23-10256-amc

Chapter 7

Related to ECF No. 40

**ORDER**

**AND NOW**, after consideration of the Request of Robert W. Seitzer, Chapter 7 Trustee, to Adjourn Hearing on Debtor's Motion to Convert Case from Chapter 7 to Chapter 13, it is hereby **ORDERED** that the request is **DENIED**.

Date:

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Ashely M. Chan  
U.S. Bankruptcy Judge